

Docket No.: 13156-00011-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marco Bosch et al.

Application No.: 10/536,498

Confirmation No.: 6482

Filed: May 25, 2005

Art Unit: N/A

For: CONTINUOUS PREPARATION OF
ALKYLAMINES

Examiner: Not Yet Assigned

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 11, 2007, applicant hereby provisionally elects Group II claim 4 drawn to a reactor for continued examination, with traverse.

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

This application is a PCT application and unity of invention is the applicable standard. One point for the unity of claim 4, drawn to a reactor for the reaction of a C₁₋₄-alkanol with ammonia in the gas phase and the claims that are summarized under group I, is, that group I comprises processes for preparing alkyl amines by reacting C₁₋₄—alkanols with ammonia in the gas phase in the presence of a shape-selective fixed-bed catalyst in a crude reactor, wherein the shape-selective fixed-bed catalyst is present in a single continuous fixed-bed in the reactor and tubes through which coolants are passed run with in the fixed-bed to regulate the temperature of the fixed-bed.

In claim 4 a reactor is claimed, which is suited for the reaction of C₁₋₄-alkanols with ammonia in the gas phase for preparing alkyl amines, which comprises a shape-selected fixed-bed catalyst which is present as a single continuous fixed-bed in the reactor and through whose interior tubes through which a coolant can be passed run.

Whereas a process for the preparation of alkyl amines is claimed in claim I, the reactor in which this reaction can be conducted is claimed in claim 4. Therefore, the connecting feature between these inventions is, from the applicant's point of view, a process for the preparation of alkyl amines which is conducted in a specific reactor, and the specific reactor, in which the mentioned process is conducted. From the applicant's point of view, these are not two inventions, which are not connected by a substantial feature. For the above reasons, this restriction requirement should be withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13156-00011-US from which the undersigned is authorized to draw.

Dated: February 12, 2007

Respectfully submitted,

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